

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

DEC 15 2017

Zachary L. Moly  
Plaintiff.

BY  
DEPUTY \_\_\_\_\_

VS.

§

§

§

§

CIVIL No. 1:17cv 525

Cronel Gublin

Set For Jury Trial

DIRECTOR

BRIAN COLLIER official capacity  
WARDEN individual capacity

Wayne E. Brewer official capacity  
MAJOR individual capacity

Schuyler LEVIAS official capacity  
individual capacity

1. Jurisdiction & Venue

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C SECTION 1331 AND 1343 (A)(3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C SECTION 2201 AND 2202. PLAINTIFF'S CLAIM FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C SECTION 2283 & 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

2. THE EASTERN DISTRICT OF TEXAS IS AN APPROPRIATE VENUE UNDER 28 U.S.C SECTION 1391(B)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURED.

## II PLAINTIFFS

3. Plaintiff Zachary L. Myle is and was at all times mentioned herein a prisoner of the State of Texas in the custody of the Texas Department of Corrections. He is currently confined in Mark W. Stiles in Beaumont Texas.

## III DEFENDANTS

4. Defendant Brian Collier is the Executive Director of the State of Texas. He is legally responsible for the overall operation of the Department of each institution under its jurisdiction, including Mark W. Stiles.
5. Defendant Wayne E. Brewer is the warden of Mark W. Stiles. He is legally responsible for the operation of Mark W. Stiles and for the welfare of all the inmates of that prison.
6. Defendant Schuyler Levas is a correctional officer of the Texas Department of Correctional who at all times mentioned in this complaint, held the rank of Major and was assigned to Mark W. Stiles.
7. Each defendant is sued individually and in his or her ~~official~~ official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

7.62045

## FACTS

8. SINCE I CAME INTO T.D.C. I'VE BEEN REPORTING & FILING D.P.I.'S THAT MY LIFE IS IN DANGER DO TO MY MOTHER BEING A T.A.C.T OFFICER AT LAB LUIS THOLAD MOYE AND MY CHARGE, INDECENCY WITH A CHILD (EXPOSURE) AND THAT IM A HOMOSEXUAL.

ON 9-26-2017 I WAS BROUGHT UP FOR RECLASS AND CLASSIFICATION MS. BASKET TOLD MAJOR LEVIAS HE SHOULD PUT ME ON SAFE KEEPING DUE TO MY RECORD & MAJOR LEVIAS SAID NO & PUT ME GENERAL POPULATION.

I WAS FORCED TO ACCEPT HOUSEING ON 7 BUILDING 46 TOP BUNK WHEN IN FACT I GOT A MEDICAL LOWER BUNK. THEN AN INMATE NAME CANTREY WISE RECOGNIZE ME WHEN I WAS AT BREAKFAST ON 9-28-2017 AND ON THAT SAME MORNING HE PULL A SHANK PRISON KNIFE ON ME & TOLD ME IF I DIDN'T ACT OFF MARK W. STILES HIMSELF HIS CRIP HOMEBOY WOULD KILL ME. THEN ON 9-30-2017 WHILE I WAS SLEEP MY MEXICAN CELLS HIT ME IN THE HEAD WITH A FAN SAYING HE NOT GONE LIVE WITH A FAGGOT PIZZ CHILD MOLESTER. ~~THESE ARE THE REASONS WHY I WAS HIT~~. THEN WHEN THE OFFICER CAME ~~AND~~ AROUND & SEEN THE BLOOD IN THE CELL AND NOTICE I HAD A BOW LOT OVER MY RIGHT EYE, HE CALL FOR RANKING OFFICER'S & ADDITIONAL STAFF. THEN WE WAS TAKEN TO MEDICAL WERE I WAS TREATED FOR MY RIGHT EYE THEN PLACED ON PRE HEARING DETENTION CELL. MONDAY MY CELLS WAS RELEASE FROM LOCK UP NO CASE NO DISCIPLINARY ACTION. WHILE ON 10-8-2017 IM STILL ON P.H.D.

9. UPON INFORMATION AND BELIEF I THINK MY MEXICAN CELLS WAS RELEASE FROM LOCK UP CAUSE HE TOLD OFFICER WERE THEY COULD FIND THE DRUG K-2 ON ANOTHER INMATE THASS WHY THERE WAS NO CASE FOR HIM HITTING ME WITH THE FAN ~~AND~~

10. EXHIBIT "A" IS AT THE BACK OF MY COMPLAINT.

EXHIBIT "B" ~~IS~~ STEP 1 GRIEVANCE IS AT THE BACK OF MY COMPLAINT

EXHIBIT "C" IS A RECLASS I.O.C TO SHOW THAT OTHER MAJOR'S POWELL THINK I SHOULDN'T BE IN GENERAL POPULATION,

#### IV. EXHAUSTION OF LEGAL REMEDIES

Plaintiff Zachary L. Moye used the prisoner grievance procedures available at Barry Telford to try and solve the problem. On 11-16-2016 Plaintiff Zachary L. Moye presented the facts relating to this complaint. On 12-2-2016 Plaintiff Zachary L. Moye was sent a response saying that the grievance had been denied. On 12-25-2016 he appealed the denial of the grievance.

#### V. LEGAL CLAIMS

- Plaintiff realleges and incorporates by reference paragraph 1-11
- The Beating, Deliberate Indifference, Unsafe Condition Violated Plaintiff Zachary L. Moye's Rights and Constitution Failure to Protect, Cruel and Unusual Punishment Under the Fourth, Fifth, Eighth and Fourteenth Amendment to the United States Constitution.
14. The Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendant unless this court grant the declaratory and injunctive relief which Plaintiff seeks

## VI. PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully prays that this court enter judgment granting plaintiffs:

15. A DECLARATION that the acts and omissions described herein violated plaintiff rights under the constitution and laws of the United States.

16. A PRELIMINARY AND PERMANENT INJUNCTIONS ORDERING DEFENDANTS — TO PLACE Plaintiff ZACHARY L MOYE ON SAFEKEEPING AND STOP SHIPPING HIM FROM UNIT TO UNIT.

17. COMPENSATORY DAMAGES IN THE AMOUNT OF \$50,000.00 AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY

18. PUNITIVE DAMAGES IN THE AMOUNT OF 100,000.00

19. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY

20. PLAINTIFFS COSTS IN THIS SUIT.

21. ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST PROPER, AND EQUITABLE.

DATED 12-12-2017  
RESPECTFULLY SUBMITTED

MARK W. STILES  
3060 F.M. 3514  
BEAUMONT TEXAS 77705

### VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE EXCEPT AS TO MATTER ALLEGED ON INFORMATION AND BELIEF AND AS TO THOSE I BELIEVE THEM TO BE TRUE I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED AT BEAUMONT TEXAS #1973344

ZACHARY L. MOYE

P.G  
50FS



## Texas Department of Criminal Justice

STEP 1

OFFENDER  
GRIEVANCE FORM

11AH-12

Offender Name: Zachary Male TDCJ # 1973344  
 Unit: STILES Housing Assignment: 12CC-38  
 Unit where incident occurred: MARCH STILES

## OFFICE USE ONLY

Grievance #: 2018014925  
 Date Received: 9-28-17  
 Date Due: 11-7-17  
 Grievance Code: 014  
 Investigator ID #: 2251  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: OCT 03 2017

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? L.T. JOSEPH When? 9-24-2017  
 What was their response? HE DIDN'T SAY ANYTHING, HE LET ME TALK, THEN HE WALKED OFF  
 What action was taken? NONE

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On 9-24-2017 Officer Johnson was running Day Room Recreation and when it got my turn to be put in the Day Room I was placed in the Day Room & before the officer could take the handcuffs off the offender Jennifer Dale Starks ran up on me & told the officer's Johnson & the other officer I don't know his name that in a switch & a catch out & Gay & that my mother is the law & that he was going to beat my boy & the other officer the one I don't know his name pulled out his gas & had to keep the offender off me while I was in cuffs until they could get the door open & me to safety. Offender Jennifer Dale Starks did tell the officer that he's 6-5 for jumping on Gary Suits (law) & any body that has anything to do with the laws he was going to try and kill them. Me & both officer's reported this to L.T. Joseph & I told him I wanted to file a D.P.I. & he failed to do so & I also ask could I please be moved cause my life is being threatened on a day to day basis cause my mother is & that in Gay.

I've also got witness statements from 7 different offender's that witness this you can also look on the camera's on 9-24-2017 from 8:00 A.M. to 9:00 A.M. SEP 28 2017

Action Requested to resolve your Complaint.

*I wish to see SECURITY DO what needs to be done to keep the other offender away from me, cause I'm afraid for my life*

Offender Signature: ZACHARY MAJE #192344

Date: 9-24-2017

Grievance Response:

YOU WERE INTERVIEWED BY STAFF ON 9-28-17 AND YOU STATED THAT A MOVE WAS GRANTED TO ALLEVIATE YOUR ISSUES. NO FURTHER ACTION WARRANTED.

WARDEN A. TOMPKINS

Signature Authority: 

Date: OCT 03 2017

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

1

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
 2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
 3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_





**EMERGENCY**  
**O.P.I.**  
**Texas Department of Criminal Justice**

**STEP 2**

**OFFENDER  
GRIEVANCE FORM**

Offender Name: Zachary Mays TDCJ # 1973344  
Unit: STILES Housing Assignment: 11-AH-12  
Unit where incident occurred: MARY W. STILES

**OFFICE USE ONLY**

Grievance #: 2018014925  
UGI Recd Date: 10-5-17  
HQ Recd Date: OCT 06 2017  
Date Due: 11-14  
Grievance Code: 014  
Investigator ID#: 10742  
Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that was accepted. You may not appeal to Step 2 with a Step 1 that

was not signed by the Warden for your Step 2 appeal to be returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

YES ON 9-28-17 I WAS SEEN BY STILES STAFF & I DID STATE THAT A MOVE WAS GRANTED ON 9-26-17 TO ALLEVIATE MY ISSUE. WHAT I DIDN'T KNOW WAS THROUGH THE PRISON GRAPEVINE & I WAS MOVED ON A BUILDING WITH ANOTHER OFFENDER (COURTNEY WISE) THAT MY LIFE WAS STILL IN DANGER. COURTNEY WISE TOLD HIS CREW HOMEBOYS & ALL THE GANGS ON 7 BUILDING THAT I WAS IN PRISON FOR CHILD MOLESTING & THAT MY MOTHER WORK AT GIB-LEWIS WITH HIS FAMILY & THAT I WAS GAY & THAT I BEEN CATCHING OUT FROM UNIT TO UNIT. ON 9-30-17 MY MEXICAN CELLMATE THAT GO BY THE NAME RAY RAY WHO'S AFFILIATED WITH TANGO BLAST GANG HIT ME IN THE HEAD WITH A FAN ~~ASSAULT~~ WHILE I WAS SLEEP. HE SAID HE NOT GONE LIVE WITH NO GAY CHILD MOLESTING FAGGOT. DUE TO THE FACT HOW MANY O.P.I. I'VE FILED & UNITS I'VE BEEN ON, MY LIFE IS IN SURVIVE DANGER PERIOD IN GENERAL POPULATION & UNIT TRANSFER HAS SHOWED NOT TO FIX THIS PROBLEM. I'VE BEEN ON 7 I.D. UNIT SINCE 2015. I'M ASKING CAN I PLEASE BE HOUSED ON P.C. /SAFE KEEPING. BECAUSE I WAS ASSAULTED WITH A WEAPON NAMELY A (FAN).



Offender Signature: Zachary male #1923344Date: 10-4-17

Grievance Response:

An Offender Protection Investigation (OPI) has been conducted into your claims. Records indicate that on 10/13/17, the Unit Classification Committee (UCC) determined your claims were unsubstantiated due to insufficient evidence; however, to avoid future problems, a housing change was granted and a Not for Same Housing Assignment (NFSHA) as Offender Gaddis #2023985 and Offender Garcia #2038567 have been added to your current institutional adjustment record. Should you have any new or additional information that may necessitate the initiation of a new or a Subsequent Offender Protection Investigation (OPI), you are advised to immediately contact the Major, Warden, or Classification staff on your unit. No further action warranted by this office as your grievable remedies are now considered exhausted.

Signature Authority: M BlacklockDate: OCT 19 2017Returned because: *\*Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

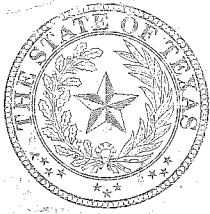
Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



EMERGENCY

# STEP 1

## OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2017042232  
 Date Received: 11-17-16  
 Date Due: 12-27-16  
 Grievance Code: 209  
 Investigator ID #: 2115  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: DEC 07 2016

Offender Name: Zachary May TDCJ # 1973344  
 Unit: Telford Housing Assignment: 12-B-76 8K-10-B  
 Unit where incident occurred: Telford

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? SERGEANT BAIRD) + OFFICER JACKSON When? 11-16-2016

What was their response? SERGEANT BAIRD said I'm NOT Gay, Safekeeping / P.C. ONLY FOR GAYS

What action was taken? NONE, NOTHING...

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I came on chain to Telford unit on 11-16-2016 and I see the unit G.I. OFFICER WEAVER and I tell him the reason I was shot to Telford on O.P.I. and he tell me to tell the safe prison officer that my problem + that I'm requesting safekeeping + protective custody when I report that I'm gay and that I wanted safekeeping. DO TO THE FACT I came in T.D.C.J. 1-27-2015 and I've been on "5" I.D. unit "4" I was either ASSAULTED OR EXTORTED IN THE LAST YEAR DO TO OFFENDER'S FINDING OUT WHO MY MOTHER IS + THAT SHE IS A T.D.C.J. OFFICER. THE SAFE PRISON OFFICER SAID SHE NOT GONNA HELP ME CAUSE I'M A LIESR + SHE DONT HELP HER I'm ONLY WRITING THIS GRIEVANCE TO FOLLOWER ALL PROPER CHANNELS TO SHOW THAT I'VE ASK FOR safekeeping / PROTECTIVE CUSTODY AND WAS DENIED MY RIGHT IBEFORE I FILE MY LAW SUIT FOR (FAILURE TO PROTECT)

Action Requested to resolve your Complaint.

Asking For safekeeping / P.C.

Offender Signature: Zachary May # 1973344

Date: 11-16-2016

Grievance Response:

Investigation revealed that homosexuality and/or family employment with the Texas Department of Criminal Justice does not constitute automatic placement into safekeeping status. No further action is warranted at this time.

Signature Author:

J. Smith

Date:

12-7-16

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievance time period has expired.
- ☐ 2. Submission in excess of 15 days. \*
- ☐ 3. Originals not submitted.
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

**OFFICE USE ONLY**

Initial Submission

UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission

UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission

UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



Texas Department of Criminal Justice

# STEP 2

## OFFENDER GRIEVANCE FORM

Offender Name: Zachary MOYE TDCJ # 1973344  
 Unit: Telford BO Housing Assignment: 11-SOL-27  
 Unit where incident occurred: Telford

OFFICE USE ONLY	
Grievance #: <u>2017042232</u>	
UGI Recd Date: <u>DEC 29 2016</u>	
HQ Recd Date: <u>JAN 03 2017</u>	
Date Due: <u>2.7</u>	
Grievance Code: <u>209</u>	
Investigator ID#: <u>I2044</u>	
Extension Date: _____	

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

The response to Step 1 Grievance #2017042232 totally and completely failed to address the problem of Sgt. Jenny L. Baird and her fellow Telford Unit colleagues intentionally divulging my extortion claims to other prisoners, making me a target for other inmates at Telford unit to continue their acts of extortion and multi-leveled threats against me.

When I spoke to Sgt. Baird and Officer Jackson (both are assigned to the Telford Unit SafePrisons Program office) on 11/16/16 I explicitly explained to them that I am vulnerable and susceptible to unprovoked attacks at the hands of other inmates at Telford unit.

It is quite evident that the purpose other Telford unit inmates attack me for is because they are well aware of my ~~mom~~ natural mother being employed by the TDCJ as a Correctional Officer at the Gile Lewis maximum security prison unit. As a result of other inmates learning, through the prison grapevine, that my mother is a TDCJ guard they typically seek retribution against me as a way for them to feel as though they are paying my mother back for the disciplinary reports she has issued them and for her having reprimanded them for rule infractions during their incarceration. I explained to Sgt. Baird and Officer Jackson that I am being made an object of extortion and violent attacks and threats of attack because I am my mother's son and because I am an openly bisexual man - which is very obvious - what is more, I have repeatedly reminded Sgt. Baird, Officer Jackson, Major Alexander, Major Gould and M.S. Norris that I ~~am~~ was previously transferred from Telford unit because it was proven that multiple other inmates at

~~The~~ Telford Unit pose a very serious danger to me, yet, Telford unit staff continue their campaign of deliberate indifference toward my need for adequate, logical and sufficient protection from other inmates whom pose a threat to me and may pose a threat to me once they determine they feel hostile toward my mother and/or other correctional staff.

Please provide me w/ sufficient protection from other inmates before I am irreparably harmed

Offender Signature: [Signature]

Date: 12/25/2016

Grievance Response:

A review of your Step I grievance has been conducted and you were appropriately advised at the Unit level. The Telford Unit has conducted several Offender Protection Investigations. Unit records show Unit Classification could not substantiate your allegations however, you have been recommended for transfer due another incident. There is no indication the Telford Unit Administration has failed to address your security concerns. You have brought new allegations into your Step II grievance that was not part of your original Step I grievance. New allegations should be submitted on a new Step I grievance in accordance with procedures and time limits. No further action is warranted.

Signature Authority: CMCKellan IARD CMCKELLAN Date: 2 Feb 17

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

#### OFFICE USE ONLY

Initial Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

Zachary L. Moye  
Plaintiff

VS.

DIRECTOR official capacity  
BRIAN COLLIER individual capacity  
WARDEN official capacity  
WAYNE E. BREWER individual capacity  
MAGISTRATE  
SCHUYLER LEVITAS

SUMMONS

CIVIL ACTION NO. \_\_\_\_\_

SET FOR TRIAL

TO THE ABOVE-NAMED DEFENDANTS

You are hereby summoned and required to serve upon Plaintiff, who address is 3060 F.M. 3514 Beaumont, Texas 77705 and answer to the complaint which is herewith served up on you, within 20 days after service of this summons upon you exclusive of the day of service, or 60 days if the U.S. Government or officer/agent thereof is a defendant. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Clerk of the Court

DATE: \_\_\_\_\_